

REMARKS

Applicants have carefully reviewed and considered the Office Action mailed on June 6, 2005. Claims 2-7, 9-14 and 18-23 have been cancelled to expedite prosecution of this application. As a result, claims 1, 8 and 15-17 are now pending in this application.

Applicants have amended the specification at pages 1, 4, 7 and 8 to correct inadvertent typographical errors. Claims 1, 8 and 15 were directed to an elected species that the Examiner stated was allowable, in order to expedite allowance of this application. Abbreviation "MMP" was identified as "metalloproteinase" in Claims 1, 8 and 15. Support for such language can be found throughout the specification, for example, at page 1, lines 15-24. Applicants submit that these changes do not constitute new matter.

Personal Interview

Applicant wishes to thank the Examiner for extending the courtesy of a personal interview to Applicant's representative, Robin A. Chadwick, on or around July 26, 2005.

The issues raised in the Office Action were discussed. The Examiner confirmed that claim 1 and 15 would be allowable if drawn to the elected species. The Examiner further stated that method claim 8 would be re-joined and would be allowable if also drawn to the elected species.

This account is believed to be a complete and accurate summary of the interview as required by 37 C.F.R. § 1.133. If the Examiner believes that this summary is inaccurate or incomplete, Applicants respectfully request that the Examiner point out any deficiencies in his next communication so that Applicants can amend or supplement the interview summary.

Restriction/Election Requirement

Applicant acknowledges the Examiner's statements in the June 6, 2005 Office Action, and reserves the right to file divisional applications on the non-elected claims and species.

Objections to Specification

Applicant has corrected inadvertent typographical errors in the specification. Withdrawal of this objection is respectfully requested.

Objection to Claims

Applicant has replaced abbreviations recited in the claims with the corresponding term and requests withdrawal of this objection.

Rejection of Claims Under 35 U.S.C. § 112, 1st Paragraph

1. Written Description Requirement

Claims 1-3, 7, 15-19 and 23 were rejected under 35 U.S.C. § 112, 1st paragraph as allegedly lacking written description. Claims 1, 8 and 15 are now drawn to metalloproteinase regulators, methods of using same and compositions thereof that include a 2-amino-4-fluorophenol N,N,O triacetic acid zinc chelator and a TIMP-derived peptide consisting essentially of SEQ ID NO:8.

Applicant submits that the claimed invention is fully described and supported by the specification as originally filed and respectfully requests withdrawal of this rejection under 35 U.S.C. §112, first paragraph.

2. Scope of Enablement

Claims 1-3, 7, and 15-23 were rejected under 35 U.S.C. § 112, 1st paragraph as allegedly lacking enablement. Claims 1, 8 and 15 are now drawn to metalloproteinase regulators, methods of using same and compositions thereof that include a 2-amino-4-fluorophenol N,N,O triacetic acid zinc chelator and a TIMP-derived peptide consisting essentially of SEQ ID NO:8.

Applicant submits that the claimed invention is fully enabled by the specification as originally filed and respectfully requests withdrawal of this rejection under 35 U.S.C. §112, first paragraph.

Conclusion

Applicant respectfully submits that all claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (516) 795-6820 to facilitate prosecution of this application.

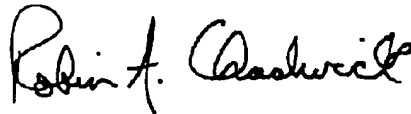
If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

STEPHEN QUIRK ET AL.,

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(516) 795-6820



Date August 4, 2005

By _____
Robin A. Chadwick
Reg. No. 36,477

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 4th day of August, 2005.

CANDIS BUENDING

Name

Signature

